

CITY COUNCIL OF LANCASTER
TREE PRESERVATION ORDER NO. 589(2016)

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RELATING TO:
Tree Preservation Order No. 589(2016), The Corner House And Adjacent Parish Council Land,
Woodwell Lane, Silverdale

PO BOX 4
TOWN HALL
LANCASTER
LA1 1QR

TOWN AND COUNTRY PLANNING ACT 1990

**LANCASTER CITY COUNCIL
TREE PRESERVATION ORDER NO. 589(2016)**

The City Council of Lancaster, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 hereby make the following Order:

Citation

1. This Order may be cited as Tree Preservation Order No. 589(2016), "Tree Preservation Order No. 589(2016), The Corner House And Adjacent Parish Council Land, Woodwell Lane, Silverdale" 5th December 2016.

Interpretation

2. (1) In this Order "the authority" means the Lancaster City Council.
- (2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2011.

Effect

3. (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.
- (2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—
 - (a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or
 - (b) cause or permit the cutting down, topping, lopping, wilful damage or wilful destruction of,any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

Application to trees to be planted pursuant to a condition

4. In relation to any tree identified in the first column of the Schedule by the letter "C", being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 5th December 2016

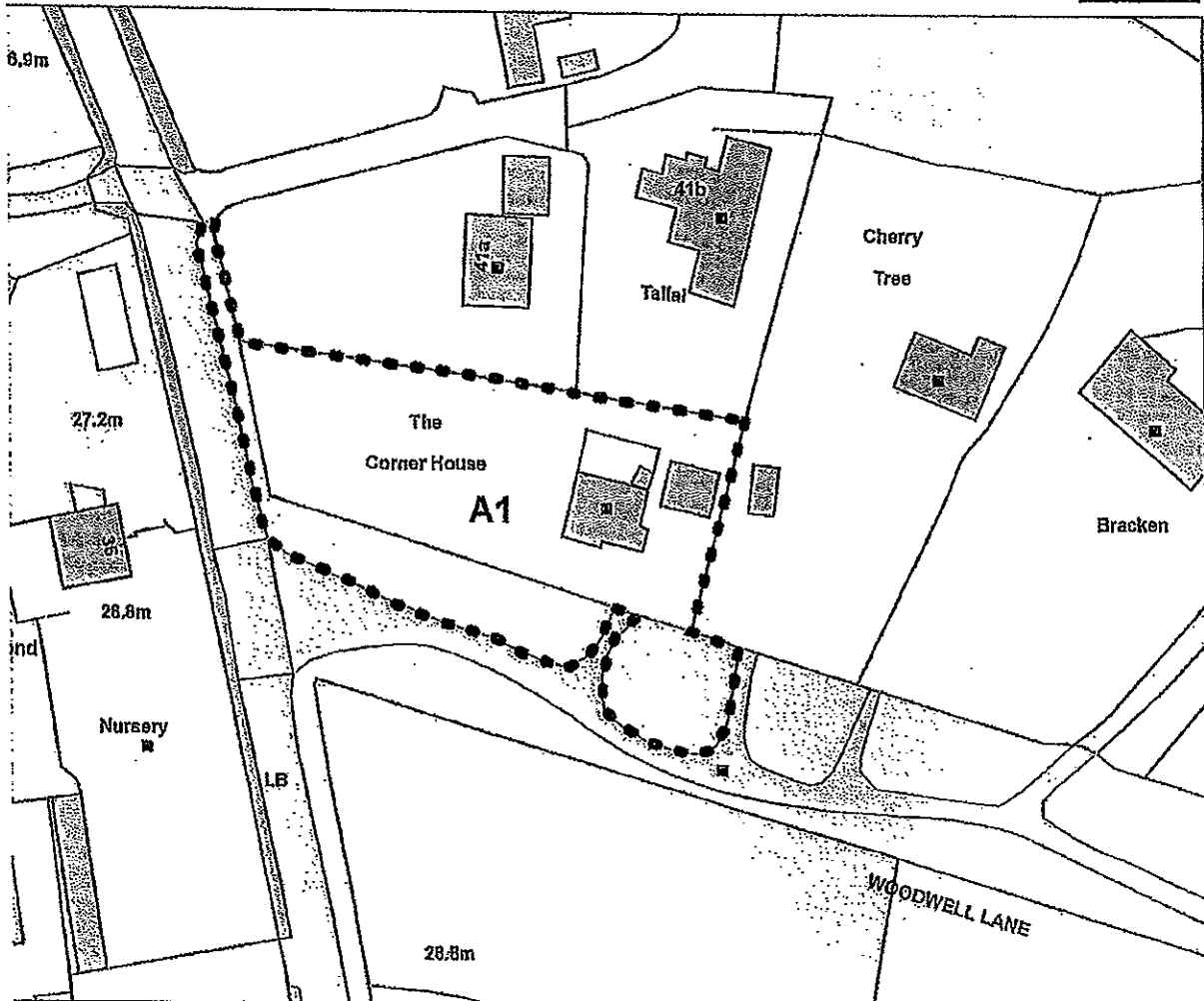
Signed on behalf of the Lancaster City Council:



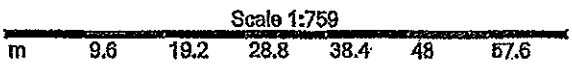
pp
Andrew Dobson DipEP MRTPI PDDMS
CHIEF OFFICER (REGENERATION AND PLANNING)
Authorised by the Council to sign in that behalf

TPO No. 589(2016)

The Corner House, Woodwell Lane, Silverdale



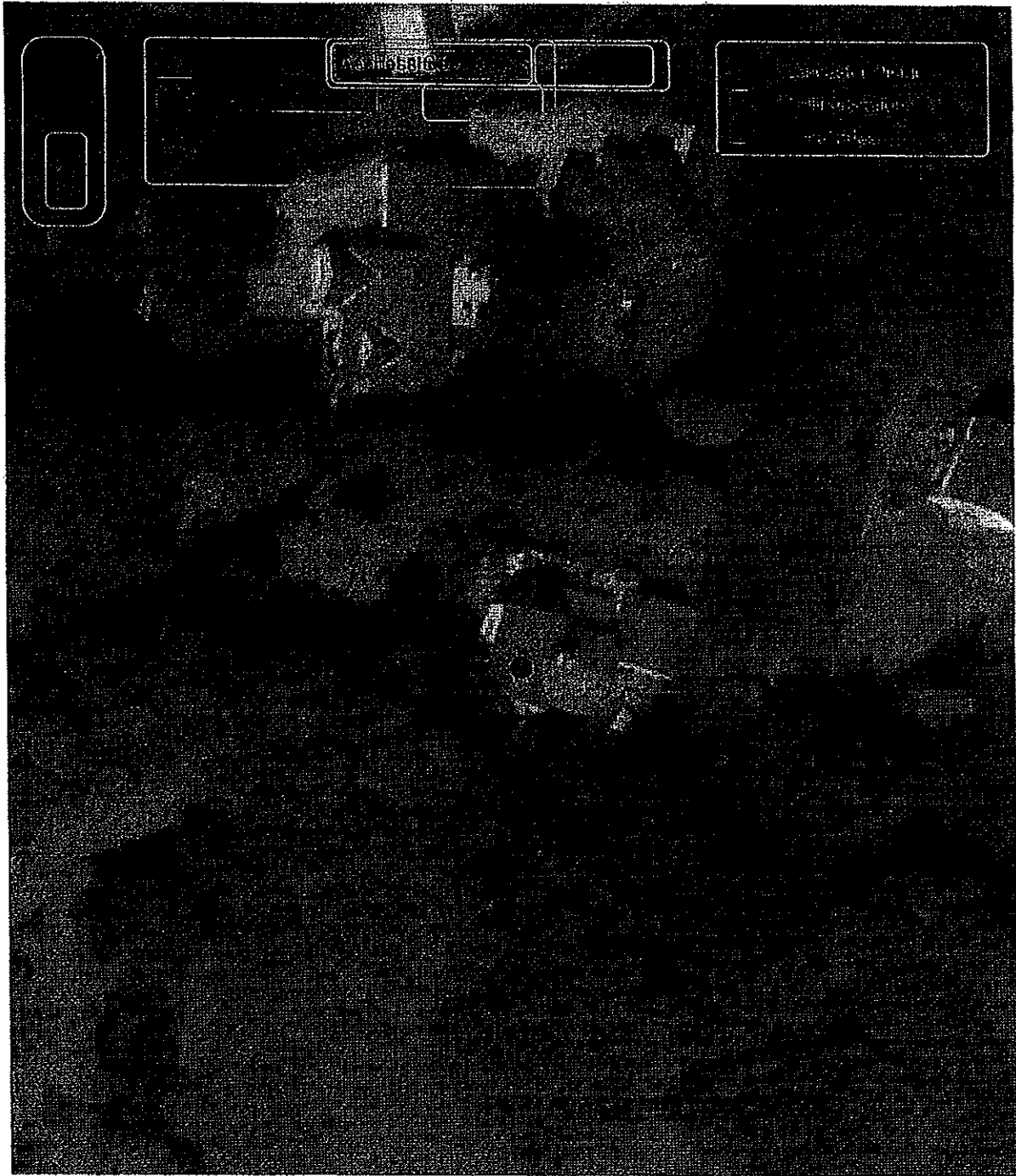
Legend



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Organisation	Not Set
Department	Not Set
Comments	Not Set
Date	05 December 2016
SLA Number	Not Set

Produced using ESRI (UK)'s MapExplorer 2.0 - <http://www.esriuk.com>



Blue circle identifies

The Corner House
Woodwell Lane
Silverdale
LAS OTZ

Site: The Corner House, and Council Land, Woodwell Lane, Silverdale
Proposed Tree Preservation Order (TPO): no.589 (2016)

Assessment:

I have assessed trees at the above site following notification by a member of the public that a large number of trees had been recently felled and that further removals may have been planned.

Some of the trees were established within the curtilage of The Corner House and on adjacent land under the ownership and control of the local Parish Council. The owner of The Corner House is understood to have carried out or arranged for the trees to be felled, including those alleged to have been growing on Council land.

At that time the trees in question were not protected in law, as such written notification or authorisation was not required prior to felling the trees from within the curtilage of the private residential property.

If trees were found to have been removed from the Parish Council land, this is a matter that the Council may wish to consider further.

Trees

It was evident during the site visit that trees had been removed from within and outside the curtilage of The Corner House, Woodwell Lane.

The remaining trees, x1 within The Corner House and the remainder growing on Council land outside the boundary of the private property were assessed for their suitability to be protected with a Tree Preservation Order.

All of the trees in question can be clearly seen from a number of locations within the wider public domain. Collectively they make an important contribution to the character and appearance of the immediate locality.

In addition, they have the potential to offer important opportunities for a range of wildlife, with the potential to provide habitat and foraging opportunities for protected species, including nesting birds and bats. Both groups are protected under the Wildlife & Countryside Act 1981 (as amended 2010).

The trees in question have been assessed using a TEMPO system, and have attained a score of 17, meriting protection by a TPO.

Recommendation:

It Lancaster City Council's intention to serve trees within A1, whatever species are present with Tree Preservation Order no.589 (2016), as an emergency order, in the interest of amenity and wildlife value. The remaining trees are considered to be under threat from removal.

Title	Tree Preservation Order no.589 (2016)
Grounds	In the interests of amenity and wildlife benefit, under threat from removal
Designation	A1 – Whatever species are present
Site	The Corner House, & Council Land, Woodwell Lane, Silverdale
Threat	From removal

Maxine Knagg BSc Arboriculture
Tree Protection Officer
Regeneration & Planning Service

Date: 05.12.16

TREE EVALUATION METHOD FOR PRESERVATION ORDERS (TEMPO):

SURVEY DATA SHEET & DECISION GUIDE

Date: 05.12.16	Surveyor: M Knagg
Tree details TPO Ref: 589 (2016) sycamore	Tree/Group No: Whatever species present, includes

Part 1: Amenity assessment

a) Condition & suitability for TPO:
Refer to Guidance Note for definitions

- 5) Good Highly suitable
- 3) Fair Suitable
- 1) Poor Unlikely to be suitable
- 0) Unsafe Unsuitable
- 0) Dead Unsuitable

Score & Notes 3 – Long periods of useful remaining life potential, if under good arboriculture control
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b) Remaining longevity (in years) & suitability for TPO:
Refer to 'Species Guide' section in Guidance Note

- 5) 100+ Highly suitable
- 4) 40-100 Very suitable
- 2) 20-40 Suitable
- 1) 10-20 Just suitable
- 0) <10 Unsuitable

Score & Notes 4 – 40-100+ years

c) Relative public visibility & suitability for TPO:
Consider realistic potential for future visibility with changed land use; refer to Guidance Note

- 5) Very large trees, or large trees that are prominent landscape features Highly suitable
- 4) Large trees, or medium trees clearly visible to the public Suitable
- 3) Medium trees, or larger trees with limited view only Just suitable
- 2) Small trees, or larger trees visible only with difficulty Unlikely to be suitable
- 1) Young, v. small, or trees not visible to the public, regardless of size Probably unsuitable

Score & Notes 4 – Trees can be seen from a range of locations within the wider public domain
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d) Other factors
Trees must have accrued 7 or more points (with no zero score) to qualify

- 5) Principal components of arboricultural features, or veteran trees
- 4) Members of groups of trees important for their cohesion
- 3) Trees with identifiable historic, commemorative or habitat importance
- 2) Trees of particularly good form, especially if rare or unusual
- 1) Trees with none of the above additional redeeming features

Score & Notes 1

Part 2: Expediency assessment

Trees must have accrued 9 or more points to qualify; refer to Guidance Note

- 5) Known threat to tree
- 3) Foreseeable threat to tree
- 2) Perceived threat to tree
- 1) Precautionary only
- 0) Tree known to be an actionable nuisance

Score & Notes 5 – Section 211 notification received to fell trees

Part 3: Decision guide

- Any 0 Do not apply TPO
- 1-6 TPO indefensible
- 7-10 Does not merit TPO
- 11-14 TPO defensible
- 15+ Definitely merits TPO

Add Scores for Total: 17

Decision: Merits TPO

The Corner House
Woodwell Lane
Silverdale
Carnforth
LA5 0TZ

Mr. Andrew Dobson,
Chief Officer (Regeneration and Planning)
P O Box 4
Town Hall
Lancaster
LA1 1QR

1st January 2017

Dear Mr. Dobson,

Re: Tree Preservation Order No. 589(2016).

Trees Specified: All those referred to in the Schedule of the above TPO.

I wish to formally object to the above TPO for the reasons and on the grounds detailed below. This objection is supported by the many local residents who have signed the attached objection form.

History. The grounds of The Corner House have been completely neglected for many years due to mental health and financial reasons of the previous owners and have been allowed to become completely overgrown with non-native fir type trees. This has been to the detriment of not only The Corner House but also 41a Lindeth Road, 41b Lindeth Road and 39 Lindeth Road. Due to the uncontrolled growth of these trees, they have blocked natural light and natural warmth from the sun and have created a damp and cold environment affecting these 4 properties which has also given rise to a detrimental negative visual appearance making these houses look neglected, created damp roof interiors and damp outbuildings.

Accredited professional contractors have been engaged to properly and carefully remove the offending trees within the curtilage of The Corner House.

In addition, after consultation with the Parish Council, a small number of trees were identified on the 'Verge' of Woodwell Lane which for various good reasons the Parish Council confirmed should be removed. These were removed by the same professional contractors, at my own expense, in order to save the Parish Council the cost, time, inconvenience and liability.

All local residents affected have confirmed their support and sincere gratitude for the removal of these trees.

There are no trees within the curtilage of The Corner House of any intrinsic value, visual or otherwise.

Following this, I have donated all of the wood harvested by the felling, to the local Silverdale Wood Bank, to help to support those in need, and have further assisted by employing staff to haul and help load the wood into the Parish Council's trailer for its transportation.

It is my intention to regenerate life back into The Corner House and its grounds for my personal residence, reinstate and improve the property carefully in keeping with its surroundings and part of this plan is to newly introduce native local species into strategic positions within the property.

The proposed TPO serves no conservation benefit whatsoever to The Corner House as it stands now, and if it applies to future planting, is likely to have a negative effect in as much as it will prevent me from planting new trees if I will have no free and unencumbered control over their future management.

Also, the proposed TPO covering the 'Verge', which is under the control and management of the Parish Council, would only serve to take away from that Parish Council the trust that it can be capable of preserving and looking after trees within its own responsibility. The Parish Council, already under-manned and under-funded, will be forced to either spend undue and unnecessary time and money following the drawn out procedures to get permissions to take actions to manage their own trees, or, just neglect their trees, leaving them to grow unmanaged and uncontrolled which would be detrimental to the visual amenity of the area and could well lead to incidents, accidents, liability and financial loss to the Parish Council.

Regarding the trees remaining within the curtilage of The Corner House:

- 1/ They have no relevant Biological life expectancy.
- 2/ They have no relevant Safe useful life expectancy.
- 3/ They have no Importance of position in the landscape.
- 4/ They have no Visual amenity value to people.
- 5/ They have no relevance in relation to the Presence of other trees.
- 6/ They have no Relation to the setting.
- 7/ They have no useful or outstanding Condition and form.

Regarding the TPO as far as it affects The Corner House, I request that it be removed in full.

Regarding the TPO on the verge adjoining The Corner House, I request that the Council review whether this is necessary, or beneficial, on any level.

I will be pleased to meet with you to discuss these issues further.

Yours sincerely,

A large black rectangular redaction box covering the signature of Adele Higham.

Adele Higham (Mrs).

Enclosed: TPO Objection form with 20+ signatures.